

Attorney's Docket: 007875-0316314
Client Reference: SP 22463 JL



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 5449

MARTINEZ

Application No.: 10/538,138

Group Art Unit: 2828

Filed: June 9, 2005

Examiner: K. KIANNI

For: INTEGRATED OPTICS FILTERING COMPONENT COMPRISING AN OPTICAL
CLADDING AND METHOD FOR MAKING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT/RESPONSE TRANSMITTAL

Transmitted herewith is an amendment/response for this application.

FEES

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	33	— 33	= 0	x \$ 25.00	= \$ 0.00
INDEP.	2	— 3	= 0	x \$ 100.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 180.00	= \$ 0.00
TOTAL ADDITIONAL CLAIM FEE					\$ 0.00
GRAND TOTAL					\$ 0.00

FEE PAYMENT

Authorization is hereby made to charge the amount of \$0.00 to Deposit Account No. 033975. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Date: February 8, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 5449

MARTINEZ

Application No.: 10/538,138

Group Art Unit: 2883

Filed: June 9, 2005

Examiner: K. KIANNI

Title: INTEGRATED OPTICS FILTERING COMPONENT COMPRISING AN OPTICAL CLADDING AND ITS FABRICATION METHOD

February 8, 2007

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action, dated December 8, 2006, the Applicant hereby elects Group I, corresponding to claims 1-17, for prosecution in the application identified above. This election is made with traverse.

Applicant respectfully submits that the search and examination required for any Group necessarily include the search and examination required for the remaining Group. Claim 1 of Group I recites an integrated optics filtering component comprising: "a substrate; and a filtering unit arranged in said substrate, said filtering unit comprising an optical guide core, an optical cladding independent of the core, and at least two elementary zones of interaction arranged in series, each of said at least two elementary zones of interaction including a structural parameter that is different from a structural parameter of an adjacent elementary zone of interaction, each of said at least two elementary zones of interaction including an elementary grating configured to couple modes between the guide core and the optical cladding, wherein at least one portion of the optical cladding surrounds a corresponding at least one portion of the optical guide core, and wherein a refractive index of each of said at least one portion of the optical cladding is different from a refractive index of the substrate and lower than a refractive index of the corresponding at least one portion of the

optical guide core at least in a part of the optical cladding that surrounds the optical guide core.” Claim 18 of Group II recites a method of manufacturing an integrated optics component comprising: “providing a substrate; and modifying a refractive index of said substrate to create a filtering unit that comprises an optical guide core, an optical cladding independent of the core, and at least two elementary zones of interaction arranged in series, each of said at least two elementary zones of interaction including a structural parameter that is different from a structural parameter of an adjacent elementary zone of interaction, each of said at least two elementary zones of interaction including an elementary grating configured to couple modes between the guide core and the optical cladding, wherein said refractive index is modified such that at least in part of the optical cladding next to the optical guide core and at least in the zone of interaction, a refractive index of the optical cladding is different from the refractive index of the substrate and lower than a refractive index of the core, and wherein a grating including elementary gratings of the filtering unit is created by a modification of the effective index of the substrate.”

Therefore, it is respectfully submitted that any search designed to identify documents relevant to the patentability of Group I will employ the same or similar search terms and techniques as Group II and, therefore, yields the same or similar documents as a search designed to identify documents related to Group II. As a result, the criteria for a proper restriction requirement set forth in MPEP § 803 have not been satisfied. MPEP § 803 states “if the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions.” (Emphasis added).

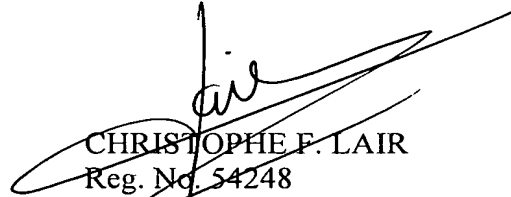
Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

MARTINEZ - 10/538,138
Client/Matter: 007875-0316314

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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